



BOARD OF COUNTY COMMISSIONERS

YELLOWSTONE COUNTY, MONTANA

Tuesday, November 26, 2013

SUBJECT: Zone Change #647 – 210 Coburn Road
THROUGH: Candi Millar, AICP, Planning Director
FROM: Nicole Cromwell, AICP, Zoning Coordinator

REQUEST

The applicant is requesting a zone change from Residential 9,600 (R96) to Highway Commercial (HC) on a 3.25-acre parcel of land described as an unplatted parcel NW1/4SE1/4NW1/4 in Section 35, Township 1 North, Range 26 East (fraction north of the ditch). The property is located west of Coburn Road along an access easement. The applicant conducted a pre-application neighborhood meeting on September 26, 2013. The Zoning Commission conducted a public hearing on November 12, 2013, and is forwarding a recommendation of approval on a 3-0 vote.

APPLICATION DATA

OWNER: Cloverleaf, LLC
AGENT: Thomas Moore
LEGAL DESCRIPTION: NW1/4SE1/4NW1/4 in Section 35, Township 1 North, Range 26 East (fraction north of the ditch)
ADDRESS: 210 Coburn Road
SIZE OF PARCEL: 3.25 acres
EXISTING LAND USE: Single family home and accessory structures
PROPOSED LAND USE: Same
EXISTING ZONING: R96
PROPOSED ZONING: HC

APPLICABLE ZONING HISTORY

Subject Property - None

Surrounding Properties There have been 9 similar zone changes in this area of Lockwood since 1976. Three have been denied and 6 approved.

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: HC
Land Use: Undeveloped property
SOUTH: Zoning: A-1
Land Use: Agricultural land

EAST: Zoning: R96
 Land Use: Single family home
WEST: Zoning: HC
 Land Use: Undeveloped property

REASONS

The subject property is located approximately ¼ - mile west of Coburn Road on a shared access easement. The owner recently constructed a paved access just north of the shared access for other commercial lots to the north and west. If the property receives a zone change and is developed for commercial uses, the shared access easement will be abandoned and the new paved access will be used. Coburn Road is a minor arterial street and carries about 770 vehicle trips per day. Coburn Road provides access to Pictograph Cave State Park and to the Four Dances Natural Area (Sacrifice Cliff) south of the Yellowstone River. A rural neighborhood also uses Coburn Road as its primary access. Coburn Road intersects Highway 87 East just north and east of this property. The intersection is a stop-controlled intersection. Highway 87 East is a principal arterial street and is the main entryway to Lockwood from the west. Highway 87 East carries approximately 9,100 vehicle trips per day near this intersection. The property is not within the 5-year limits of annexation area, and not within any Long Range Urban Planning Area on the City Limits of Annexation Map. The property is adjacent to active agricultural lands to the south. To the east is a single family property owned by Larry and Audrey Johnson. The Johnsons attended the pre-application meeting. To the north and west are properties also owned by Cloverleaf, LLC and these undeveloped lots are already zoned HC.

The applicant intends to market the property for sale to be developed for commercial purposes. Until the property is sold it will continue to be rented and used as a single family residence. Cloverleaf, LLC has installed a sewer line and lift station in the paved road to the north but this is privately maintained at this time. Public sewer lines have been installed in the access easement road but have not been extended beyond the Johnsons property to the east.

The County adopted the Lockwood Neighborhood Plan for this area in August 2006. The preferred land use for this area was for commercial development. There are several commercial businesses in the area already and additional area may catalyze future development. The current owner is actively marketing the 3 lots available to the north and west. The adjacent HC zone is compatible with the proposed zoning. Water and sewer may be available to these lots and the proposed lot so uses will not be limited to those not requiring public utilities. The adjacent residential home to the east may be impacted by some uses allowed in the HC zone but adequate screening and buffering from new development are required by the landscaping regulations. A new restaurant was proposed for a lot to the north and east several years ago but this project has not yet come to fruition.

Uses allowed in the HC zone could have an impact on traffic. The Planning staff must consider all potential uses on the subject property including retail, commercial office space, restaurants (with or without alcohol service), and multi-family uses. If the property were developed for multi-family dwellings, then new traffic generated would likely be increased by more than 500 trips per day. A 5,000 square foot restaurant would generate approximately 200 new vehicle trips per day. A more intense use under the proposed zoning would require additional analysis of traffic circulation at the intersection of Coburn Road and Highway 87 East as well as the

intersection of the private road and Coburn Road. The current zoning allows single family dwellings and limited agricultural uses.

A neighborhood meeting was conducted by the applicant on September 26, 2013, at the subject property. Two surrounding property owners attended the meeting. The meeting notes indicate there were questions regarding access, potential uses, access to water and sewer services, and noxious weed control. The minutes of meeting are included as Attachment B. The Planning Division did not receive any telephone or written comments concerning the application.

Planning staff reviewed the application and forwarded a recommendation of approval for the proposed zone change based on the 11 criteria for zone changes. The Zoning Commission concurred with the staff recommendation. The property is located close to the interstate corridor and has reasonable access to Coburn Road, a minor arterial street. The Lockwood Community Plan envisioned this area for new or expanded commercial uses. The uses available in the HC zone are limited without the provision of public water and sewer services. If the property were annexed in the future, the proposed zoning would be compatible with urban zoning to the west.

The Zoning Commission concurred with the staff recommendation based on the testimony received and the 11 criteria for zone changes.

RECOMMENDATION

The Zoning Commission voted 3-0 to recommend approval of Zone Change #647.

ZONING COMMISSION PUBLIC HEARING AND DISCUSSION

The Zoning Commission conducted a public hearing on this application on November 12, 2013. The applicant, Thomas Moore of Cloverleaf, LLC, was in attendance to testify in favor of the proposed zone change. Larry and Aubrey Johnson of 202 and 204 Coburn Road, attended to testify concerning the shared access easement to their property and the subject property. Mr. Johnson stated he was not concerned with the zone change as long as the type of traffic on the easement remains the same. He was concerned that commercial traffic should not use the easement in the future. Mr. Moore stated he would work with Johnsons to ensure there is limitation language added to the easement so future commercial use of the easement is prohibited. Mr. Moore stated future commercial traffic to the site would be through the new road already in place to the north. No other testimony was received at the public hearing.

Chair Dennis Cook closed the public hearing. Member Al Littler made a motion to recommend approval to the County Commissioners and it was seconded by member Ole Shafer. The motion carried with a 3-0 vote.

RECOMMENDATION

The Zoning Commission recommends approval of Zone Change #647 on a 3-0 vote.

PROPOSED COUNTY COMMISSION DETERMINATIONS

The Board of County Commissioners, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County and City of Billings 2008 Growth Policy?*

The proposed zoning does comply with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (Land Use Element, page 6).

This zone change would allow for additional area for commercial uses west of Coburn Road, a minor arterial street, and east of the Lockwood Interchange with I-90. This is consistent with the preferred Land Use adopted in the Lockwood Community Plan and the neighborhood character.

- Goal: New developments that sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).

This property is not directly adjacent to any commercial uses but may be in the future. The lots to the north and west are also zoned HC and are actively marketed for those uses. The intended uses are compatible with the surrounding uses.

2. *Is the new zoning designed to secure from fire and other danger?*

The subject property is currently served by the Lockwood Fire Department with mutual aid from the Billings Fire Department. The nearest fire station is located on Driftwood Lane 3 miles to the east. Billings Fire Station #1 is 3.2 miles to the west. Depending on the specific uses, the Lockwood Fire Department may require specific development characteristics to prevent structure fires.

3. *Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?*

Transportation: The new zoning will increase traffic on Coburn Road and at the intersection of Coburn Road and Highway 87 East. The County will require any new development that adds 500 new vehicle trips per day to analyze the impact of the additional traffic. Without a specific use, the traffic impacts cannot be assessed in particular. Any new commercial development will access Coburn Road via the newly constructed paved road directly north of the subject property. The existing residential use will continue to use the access easement.

Water and Sewerage: The property will be served by public water and sewer systems although the adjacent system to the north is privately maintained at this time.

Schools and Parks: The proposed zoning should not impact the student population. Residential uses are not planned for the property.

Fire and Police: The subject property is serviced by the Lockwood fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan.

4. *Will the new zoning promote health and general welfare?*

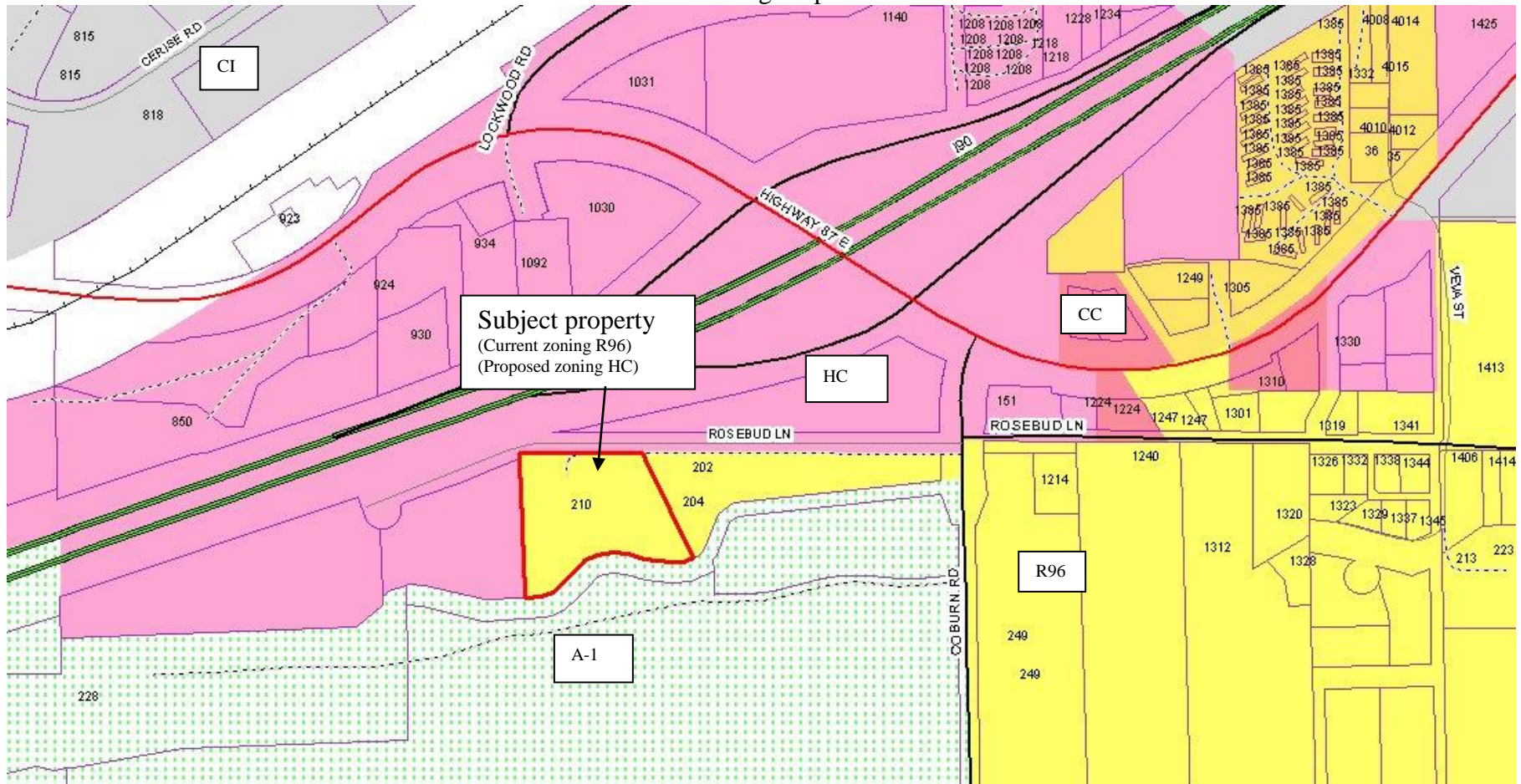
The new zoning will allow development of property that is near existing commercial uses to the north and east. Commercial development should not have a negative impact on the residential use to the east or the agricultural uses to the south. The proposed HC zoning will allow the owner to market the property for commercial uses. If the property is

annexed in the future, the HC zone is compatible with typical urban intersection zoning. The zoning will promote the health and general welfare of the area.

5. Will the new zoning provide adequate light and air?
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.
6. Will the new zoning effect motorized and non-motorized transportation?
The proposed zoning itself will not generate more traffic on any of the adjacent streets. Pedestrian traffic in the area is limited due to high speed arterials, no pedestrian facilities, and little residential development. The 2011 Bikeway and Trail Master Plan indicates Rosebud Lane east of Coburn Road as a potential on-street bike lane path and Old Hardin Road as another on-street bike lane in the future. The additional traffic generated if the property is developed should not affect any mode of transportation on the adjacent streets.
7. Will the new zoning be compatible with urban growth in the vicinity?
The proposed zoning is compatible with nearby urban development. The proposed zoning and development is consistent with the area.
8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?
The subject property is in an area that is agricultural, residential and commercial. The property is suitable for HC uses and is near the intersection of 2 arterial streets. It is likely the character of the area will change to commercial uses as public utilities are extended and connected.
9. Will the new zoning conserve the value of buildings?
The new zoning will allow the development of new commercial uses adjacent to similarly zoned property and adjacent to a single family home to the east. The commercial zoning will not affect the value of the existing buildings on the site and should not have an effect on the surrounding properties.
10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?
The property is suitable for some of the uses allowed in the HC zoning district. This is the most appropriate use for the land. Certain uses that generate high traffic such as restaurants and retail uses will need to be evaluated for traffic impacts if proposed for this site.
11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The proposed zoning is close to the City of Billings and is compatible with the typical urban development near arterial intersections.

Attachment A: Zoning Map
Attachment B: Applicant Letter & Pre-application neighborhood meeting minutes
Attachment C: Site Photographs

Attachment A - Zone Change #647
Zoning Map



Attachment B - Zone Change #647
Applicant Letter, pre-application neighborhood meeting minutes

APPLICATION FORM

COUNTY ZONE CHANGE

ID: County Zone Change #

647

- Project # 13-224

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings-Yellowstone County Unified Zoning Regulations.

Present Zoning: R 96

Proposed Zoning: Highway Commercial

Tax ID # 105958

COUNTY COMMISSIONER DISTRICT

Legal Description of Property: FRACTIONAL NW 1/4 SE 1/4 NW 1/4 Section 35, T01N, R26E NORTH OF DITCH

Address or General Location (If unknown, contact County Public Works):

210 Coburn Rd, Billings, MT. 59101

Size of Parcel (Area & Dimensions): 3.254 acres approx 330 ft East to West and approx 430 ft North to South

Present Land-Use: ONE Bedroom Rental Home

Proposed Land-Use: FUTURE Development

Covenants or Deed Restrictions on Property: Yes _____ No ☒

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): CLOVERLEAF LLC

(Recorded Owner)

941 BONANZA POINT Billings, MT. 59101

(Address)

406 861 3557

oldcars@usadig.com

(Phone Number)

(email)

Agent(s): THOMAS MOORE MANAGING PARTNER

(Name)

941 BONANZA PT Billings, MT. 59101

(Address)

406 861 3557

oldcars@usadig.com

(Phone Number)

(email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Thomas Moore
(Recorded Owner)

Date: 10-4-13

County Zone Change 2013 updated 11/5/2012

- A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

The proposed property under consideration for zone change is contiguous with 2 existing Highway Commercial Lots that the Planning Board and Commissioners have previously found to be consistent with the 49 page Lockwood Community Plan adopted August 15th, 2006 (<http://mt-billings.civicplus.com/DocumentCenter/Home/View/1525>) and therefore consistent with the goals and policies of the adopted Growth Policy.

- B. Explain your need for the intended zone change and why the property cannot be use under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

The proposed property under consideration for zone change is bordered on the South and West by Highway Commercial Lots therefore creating a potential conflict of use. The single family residence was built in 1942 and would require substantial upgrading if not demolition. Therefore we believe the best and highest use would be to remove the existing residence and replace it with a conforming Highway Commercial Use with egress/ingress to the new existing commercial feeder known as Rosebud Lane on its South border.

Sign-in sheet for zone change pre-application meeting for 210 Coburn Road
Thursday, September 26, 2013, 1:00 p.m.
cul-de-sac at west end of Rosebud Lane

1. Thom Moore
2. Kate Moore
3. Larry Johnson
4. Ludwig Johnson
5. St. 1.7
6. _____
7. _____
8. _____
9. _____
10. _____

Minutes of zone change pre-application meeting for 210 Coburn Road
Thursday, September 26, 2013, 1:00 p.m.
cul-de-sac at west end of Rosebud Lane

In attendance: Tom Moore, Kate Moore, Larry Johnson, Audrey Johnson, Steve Kenney

Tom & Steve explained to the Johnsons Cloverleaf's plans for the property. For now, it is earning income for Cloverleaf as a rental; there is no active marketing. Eventually, it may be sold to whoever buys the tract adjoining. The partnership would like to sell their other large parcel first. Cloverleaf is particular about potential buyers; their desire is to edify the community and maintain good relationships with their neighbors.

Johnsons were reminded that the proposed change is to highway commercial, the same zoning as Cloverleaf's adjoining property. There is no plan for it to be zoned industrial.

Johnsons are concerned about 16' wide easement across their property to 210 Coburn Road. They don't want it used for commercial hauling. Steve explained that it would not be feasible for the partnership to use that easement, as they have already constructed at considerable expense a road to county specifications.

Johnsons also expressed their concern about weed control on Cloverleaf's property; they don't want any more weeds to take hold on their property. Tom said he would address.

Johnsons reminded that this is only an initial meeting. There will be other opportunities for their opinions to be heard.

Johnsons informed that Cloverleaf constructed a sewer line, and their property could access it.

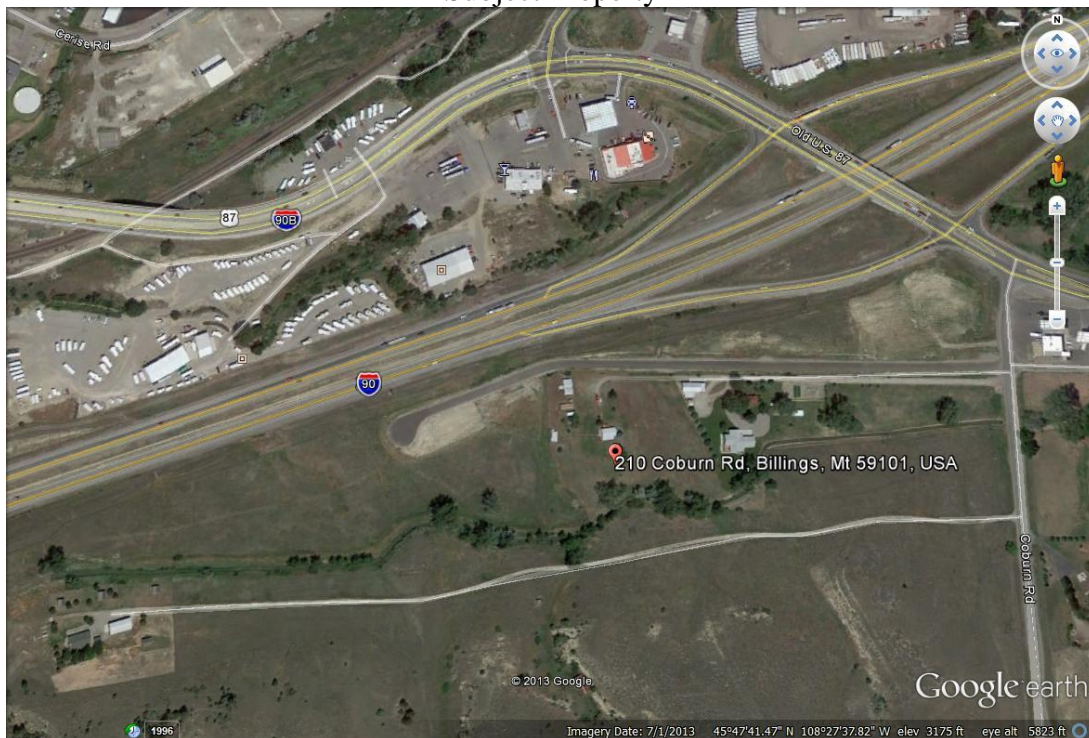
Johnsons informed that Cloverleaf could someday be interested in purchasing their property.

Meeting adjourned at 1:30 p.m.

Attachment C – Zone Change #647
Site Photographs



Subject Property



Aerial

Attachment C – Zone Change #647, continued
Site Photographs



View east along access road



View north and east across new paved access road

Attachment C – Zone Change #647, continued
Site Photographs



View west along paved access road



View west along access roads